

COMMITTEE REPORT

APPLICATION DETAILS

APPLICATION No:	DM/19/01234/FPA
FULL APPLICATION DESCRIPTION:	Demolition of former garage and construction of link road (between Renny's Lane and Damson Way). Construction of new retail unit (Use Class A1 with ancillary A3) and construction of signalised junction (A181 Sherburn Road and Damson Way).
NAME OF APPLICANT:	Durham County Council
ADDRESS:	Land To The East Of Unit A, Damson Way, Dragonville Durham, DH1 2YD
ELECTORAL DIVISION:	Belmont
CASE OFFICER:	Graham Blakey, Senior Planning Officer, 03000 264865 graham.blakey@durham.gov.uk

DESCRIPTION OF THE SITE AND PROPOSALS

The Site

1. The application site forms part of the Dragonville Industrial Estate and West Sherburn, located approximately 2.5km to the east of Durham City Centre. The application is formed of two sites, one at the A181 / Damson Way road junction at West Sherburn, and the other between Damson Way and Renny's Lane at MKM Building Supplies and the former garage building associated with the builders merchants to the centre of Dragonville Industrial Estate. The southern site has industrial development to the north, residential properties to the east and west boundaries and the A181 and open fields to the south. The northern site is surrounded by mixed industrial and retail development.
2. Generally, the topography of the area is relatively flat with a shallow slope from north to south, being steepest to the Rennys Lane part of the northern application site. This northern most site features very little vegetation and is predominately made up of existing hard standing areas and the former garage building. The southern most application site features a mature tree planted area to the green space between the existing residential properties of Coronation Terrace, Booths Buildings and the last remaining properties of the terrace 'Dragonville'. The roadways to the immediate frontage of these properties once formed part of the original road network between Sherburn / Sherburn House and Durham until the construction of the A1 in the late 1960s. During this construction a new over bridge to the motorway was needed for the A181 and at the same time traffic was moved away from the residential properties either side of the A1 and the open spaces planted with trees as part of the landscaping scheme at the time. A small-scale caravan storage site lies to the rear and east of Coronation Terrace, access via the roadway to the immediate front of the small terrace of properties.

3. The southern site is located approximately 700m (or half a mile) north west of the Sherburn Hospital Local Wildlife Site (LWS), across the A1(M) but accessible via the road network; with the northern site being located 1.1km from The Scrambles LWS east of Belmont. National Cycle Network Route 14 runs near to the application sites along Dragon Lane and Rennys Lane.

The Proposal

4. This planning application seeks planning permission for the installation of two sections of new highway to provide access from Rennys Lane to Damson Way east of Dragon Lane and an altered junction at Coronation Terrace to the A181, that would provide an alternative route to Dragon Lane for traffic heading from Sunderland Road to the A181 Sherburn Road. The purpose of this link would be to ease traffic congestion and improve air quality along Dragon Lane, Sunderland Road and the A181. The proposed works fall into two separate areas at Rennys Lane / Damson Way and Damson Way / A181 Sherburn Road. These are referred to as the 'northern' and 'southern' application sites.
5. To the northern application site, works would involve the demolition of an existing garage building to the Rennys Lane / Damson Way section together with associated areas of hard standing removal, level changes and new road junctions being installed. All new junctions here would be standard T-junction designs, with a priority change to the east-west section of Damson Way traffic now giving way to north-south traffic. A previously approved retail unit, that was granted planning permission in 2015, would now be on the route of the proposed link road, is also included in this application site, but is now proposed in a position west of the new carriageway. The building has a revised design which sits better with the new highway arrangement producing frontages both east and south on to the public highway. The building retains its parapet roof design, reaching an overall height of 6.1 metres, and measuring 32 metres long by 10.25 metres wide running in a north-south axis. Materials would include a mixture of render, cladding and contemporary stonework to the feature south east corner.
6. To the southern application site, works here involve the creation of a new signalised junction of Damson Way with the A181. To achieve this, the existing alignment of Damson Way which turns relatively sharply from its north-south route in front of Booths Buildings is to be continued and straightened towards the A181 through a previously planted shelter belt of trees which have reached maturity. At this point, Damson Way runs through a gap in the residential dwellings of Booths Buildings and Coronation Terrace. Vehicular access to both would be retained by the proposals, with amended access proposed to Coronation Terrace together with an acoustic fence to this side of the revised junction layout close to the existing housing. The existing junction of Damson Way with the A181 would be sealed to create a cul-de-sac in front of Booth's Buildings and 60-62 Dragonville.
7. This planning application is being reported to Planning Committee at the request of Cllrs Eric and Lesley Mavin, Belmont Division Members, and Belmont Parish Council who wish the Committee to consider the impacts of increased traffic upon the amenity of neighbouring residents.

PLANNING HISTORY

8. DM/15/00833/FPA - The renovation and change of use of a former garage building to retail unit (Use Class A1) with ancillary cafe (Use Class A3) was approved in May 2015 under delegated powers.
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PLANNING POLICY

NATIONAL POLICY

9. A revised National Planning Policy Framework (NPPF) was published in February 2019. The overriding message continues to be that new development that is sustainable should go ahead without delay. It defines the role of planning in achieving sustainable development under three overarching objectives – economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways.
10. In accordance with Paragraph 213 of the National Planning Policy Framework, existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with the Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given). The relevance of this issue is discussed, where appropriate, in the assessment section of the report. The following elements of the NPPF are considered relevant to this proposal.
11. *NPPF Part 2 Achieving Sustainable Development* - The purpose of the planning system is to contribute to the achievement of sustainable development and therefore at the heart of the NPPF is a presumption in favour of sustainable development. It defines the role of planning in achieving sustainable development under three overarching objectives - economic, social and environmental, which are interdependent and need to be pursued in mutually supportive ways. The application of the presumption in favour of sustainable development for plan-making and decision-taking is outlined.
12. *NPPF Part 4 Decision-Making* - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.
13. *NPPF Part 6 Building a Strong, Competitive Economy* - The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and a low carbon future.
14. *NPPF Part 8 Promoting Healthy and Safe Communities* - The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Developments should be safe and accessible; Local Planning Authorities should plan positively for the provision and use of shared space and community facilities. An integrated approach to considering the location of housing, economic uses and services should be adopted.

15. *NPPF Part 9 Promoting Sustainable Transport* - Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. Developments that generate significant movement should be located where the need to travel will be minimised and the use of sustainable transport modes maximised.
16. *NPPF Part 11 Making Effective Use of Land* - Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs, in a way that makes as much use as possible of previously-developed or 'brownfield' land.
17. *NPPF Part 12 – Achieving well-designed places*. The Government attaches great importance to the design of the built environment, with good design a key aspect of sustainable development, indivisible from good planning.
18. *NPPF Part 14 Meeting the Challenge of Climate Change, Flooding and Coastal Change* - The planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
19. *NPPF Part 15 Conserving and Enhancing the Natural Environment* - Conserving and enhancing the natural environment. The Planning System should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes, geological conservation interests, recognising the wider benefits of ecosystems, minimising the impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from pollution and land stability and remediating contaminated or other degraded land where appropriate.
20. *NPPF Part 16 Conserving and Enhancing the Historic Environment* - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

<https://www.gov.uk/guidance/national-planning-policy-framework>

21. The Government has consolidated a number of planning practice guidance notes, circulars and other guidance documents into a single Planning Practice Guidance Suite. This document provides planning guidance on a wide range of matters. Of particular relevance to this application is the practice guidance with regards to; air quality; conserving and enhancing the historic environment; determining a planning application; design; ensuring the vitality of town centres; flood risk; land stability; light pollution; natural environment; noise; open space, sports and recreation facilities, public rights of way and local green space; planning obligations; travel plans, transport assessments and statements; use of planning conditions and; water supply, wastewater and water quality.

<https://www.gov.uk/government/collections/planning-practice-guidance>

LOCAL PLAN POLICY:

City of Durham Local Plan (2004) (CDLP)

22. Policy E14 – Existing Trees and Hedgerows – would not permit development that would result in the loss of ancient woodland, and to retain other areas of woodland or important groups of trees and hedgerows wherever possible.
23. Policy E16 – Nature Conservation – the Natural Environment. Is aimed at protecting and enhancing the nature conservation assets of the district. Development proposals outside specifically protected sites will be required to identify any significant nature conservation interests that may exist on or adjacent to the site by submitting surveys of wildlife habitats, protected species and features of ecological, geological and geomorphological interest. Unacceptable harm to nature conservation interests will be avoided, and mitigation measures to minimise adverse impacts upon nature conservation interests should be identified.
24. Policy S1A – Retail Hierarchy – seeks to protect and promote the vitality and viability of all centres within the local retail hierarchy.
25. Policy S8 – Retail Warehousing Outlets – states that new retail warehouse development will be permitted on designated sites, providing, amongst other things, that there is demonstrable need, a sequential test has been carried out, and the vitality and viability of existing centres would not be adversely affected.
26. Policy EMP8.a – General Industrial Sites – designates general industrial sites, and identifies the site of Dragonville Industrial Estate as being suitable for B1, B2 and B8 development.
27. Policy H13 – Residential Areas- Impact upon Character and Amenity. Seeks to protect the character and levels of residential amenity those living in such areas can reasonably expect to enjoy.
28. Policy Q1 – General Principles Designing for People. Requires the layouts of developments to take into account the requirements of users including: personal safety and security; the access needs of people with disabilities and the elderly; and the provision of toilets and seating where appropriate.
29. Policy Q2 – General Principles Designing for Accessibility. The layout and design of all new development should take into account the requirements of users and embody the principle of sustainability.
30. Policy Q4 - Pedestrian Areas. Requires public spaces and such areas to be well designed and constructed with quality materials. Public realm and lighting to ensure community safety are referred to.
31. Policy Q5 – Landscaping – General – requires all new development which has an impact on the visual amenity of the area in which it is located to incorporate a high level of landscaping in its overall design and layout.
32. Policy T1 – Transport – General – states that developments that would generate traffic which would be detrimental to highway safety or amenity of adjoining occupiers will be resisted.
33. Policy T2 – Road Proposals – support will be given for new road proposals and road improvements schemes that facilitate inward investment, remove traffic through residential areas, improve road safety standards, and have the minimum adverse effect upon the local environment.

34. Policy T4 – Assessing the Route and Design of New Road Proposals. New roads should avoid severance of communities, harmful impact upon residential amenity, natural and built environments, safely provide for alternative modes of transport, and prevent flooding.
35. Policy T8 – Traffic Management. Support should be given to traffic management measures which seek to improve highway safety, amenity and ease congestion.
36. Policy T10 – General Provision. States that vehicle parking should be limited in amount, so as to promote sustainable transport choices and reduce the land-take of development.
37. Policy T19 – Cycle Routes – encourages the provision of facilities for parking cycles in the city centre and other locations which are secure, protected from the weather and clearly signed.
38. Policy T20 - Cycle Facilities. Seeks to encourage appropriately located, secure parking provision for cyclists.
39. Policy CC1 – Vitality and Viability – states that the Council will seek to protect and enhance the vitality and viability of the city centre by promoting a mix of uses, and sustaining the city centre shopping centre in accordance with other retail policies.
40. Policy U5 – Pollution Prevention. States that planning permission will not be granted for development that may generate pollution that will have an unacceptably adverse impact upon the local environment, the amenity of nearby and adjoining land and property or that would unnecessarily constrain the development of neighbouring land.
41. Policy U8a – Disposal of Foul and Surface Water – requires developments to provide satisfactory arrangements for disposing foul and surface water discharges. Where satisfactory arrangements are not available, then proposals may be approved subject to the submission of a satisfactory scheme and its implementation before the development is brought into use.
42. Policy U11 – Development on Contaminated Land – sets out the criteria against which schemes for the redevelopment of sites which are known or suspected to be contaminated. Before development takes place it is important that the nature and extent of contamination should be fully understood.

RELEVANT EMERGING POLICY:

The County Durham Plan

43. Paragraph 48 of the NPPF states that decision-takers may give weight to relevant policies in emerging plans according to: the stage of the emerging plan; the extent to which there are unresolved objections to relevant policies; and, the degree of consistency of the policies in the emerging plan to the policies in the NPPF. Following consultation at ‘Issues & Options’, ‘Preferred Options’ and ‘Pre Submission Draft’ stages, the CDP was approved for submission by the Council on 19 June 2019. The CDP was submitted to the Planning Inspectorate on 27 June 2019. Although the CDP is now at a relatively advanced stage of preparation, it is considered that it is not sufficiently advanced to be afforded any weight in the decision-making process at the present time.

The above represents a summary of those policies considered relevant. The full text, criteria, and justifications can be accessed at: <http://www.durham.gov.uk/article/3266/Whats-in-place-to-support-planning-and-development-decision-making-at-the-moment>

CONSULTATION AND PUBLICITY RESPONSES

STATUTORY RESPONSES:

44. *Belmont Parish Council* - Acknowledge that the present and future developments on the various Dragonville Retail sites will cause an increase in both commercial and customer vehicles. No objections are raised to the proposed non-food retail unit and café aspects of this application, subject to the adherence of conditions with respect to working hours and noise / dust mitigation measures.
45. The construction of the road is more problematic. The Parish Council understands the aim of the proposed scheme to ease traffic capacity issues to Dragon Lane, its associated junctions and improve flow on the A181. Particular concern for the Parish Council is in respect to the proposed signalised junction of Damson Way with the A181 and the impacts upon the nearest surrounding properties of Coronation Terrace, Booths Bungalows and old Dragonville.
46. The proposed design of the junction requires the cutting away of a swathe of long-established trees and hedgerow which at present form a natural barrier to noise/vibration and pollution from the traffic along the A181. The tree survey may not identify individual trees of merit, but collectively the tree belt provides valuable screening. The proposed road construction would divert considerable volume of traffic from the Sherburn Road / Dragon Lane junction to the Damson Way junction. The Council cannot comprehend how the adverse noise impact and vibration levels at the properties located nearest to the Damson Way junction can be assessed as negligible and not significant.
47. At present traffic on Damson Way is slowed on its approach to the A181 by the long bend in the road. The Parish Council suggest that serious consideration is given to retaining this route, upgrading and signalising the present junction with the A181, easing the left-hand exit towards Sherburn and making it fit for purpose. This option having the advantage of retaining the tree belt almost in its entirety with its valuable screening capacity.
48. Air quality is improved by these proposals in some locations (Dragon Lane/A181 Jct) but would have detrimental effect at others (by increased waiting at the Damson Way/A181 Jct). The Parish Council wish to propose that HGVs are banned from using the south boundary section of the link road approaching the Damson Way/A181 junction, which would benefit all the residents in the vicinity of the junction and could be done with appropriate signage and consultation with local unit occupiers.
49. The Parish Council therefore ask that this application in its current form be refused contrary to CDLP Policy T1 (General) - the Planning Authority will not grant permission for development that would generate traffic which would have a significant affect on the amenity of occupiers of neighbouring property.
50. *Highways Authority* – Raises no objections. The construction of the link road will permit consented development and background growth onto the local road network without and severe impacts on network operations. Assessment of five junctions through modelling through to the design year 2029, including Saturday and Sunday peak time scenarios has shown that traffic will be redistributed across the revised network and link road.

51. Of note, the Sunderland Road / Dragon Lane junction would be over capacity to all directions by 2029 without the link road. The A181 Sherburn Road / Dragon Lane junction is currently over capacity today, and the addition of the link road will ease this but queues will remain in 2029. An unaltered A181 Sherburn Road / Damson Way junction would see extensive queuing on Damson Way by 2029, with the proposed signalisation and the link road in place the junction would operate well within capacity by 2029. Finally, the Dragon Lane / Damson Way (Tesco) junction shows improvement by 2029 should the link road be constructed.

INTERNAL CONSULTEE RESPONSES:

52. *Spatial Policy* – Advises that the proposed retail building is currently allocated employment land, however the up-to-date evidence base (Employment Land Review, 2019) points towards de-allocation from employment protection and reduce weight to CDLP Policy EMP8 (A) in this instance. The site is also covered by Policy S8 which permits new retail warehouse development, however NPPF Paragraphs 86-90 provide more up-to-date guidance for applications of this type. As such CDLP Policy S8 is considered out of date in respect to determining this application. In terms of the requirements of the sequential assessment, these have been met by the applicant. The site is an out of centre site and whilst other in centre and edge of centre sites exist there are logical reasons as to why they can be discounted.
53. In regard to the proposed new link road element of the proposals, CDLP Policies T2, T4 and T8 are considered relevant to the proposals. The NPPF seeks to promote sustainable transport and recognises that transport issues need consideration from earliest stages of the development processes, the CDLP Policies support new road proposals which relieve pressure from the city centre, facilitate inward investment, or remove traffic from residential and other environmentally sensitive areas, amongst others, and are broadly consistent with the aims of the NPPF.
54. *Landscape (Arboriculture)* – Tree loss is explained within the submitted arboricultural report to the southern application site to facilitate the proposed signalised road junction. These are maturing trees in a woodland belt and are prominent in the landscape making a good visual contribution. Removal of the level of trees proposed will have some negative visual and ecological impact and it is recommended that this harm is considered in the planning balance.
55. *Ecology* – Raises no objections. Submitted ecological assessment confirms that there will be a loss of trees and hedgerow habitat, whereby the applicant proposes off-site mitigation through the form of a contribution of £4,525.
56. *Environmental Health and Consumer Protection (Air Quality)* – Development like this would give rise to emissions of particulate matter, against which there are short and long term air quality objectives and requirements to reduce exposure of these by the public. Management of dust at the construction phase is required by condition. At the operational phase, the development includes a section of the Air Quality Management Area (AQMA) in and around the junction of Dragon Lane and Sunderland Road, where levels of nitrogen dioxide have previously exceeded or have been close to the air quality objective.
57. A quantitative assessment of the impact of the proposed link road on existing residential properties assesses the impacts depending upon their location. Greatest reductions would be at the Dragon Lane / Sunderland Road junction, signalling that the link road is of benefit for the AQMA. There is a negligible or slight increase in levels of nitrogen dioxide at Cooperative Terrace (close to the A181 junction). An installed monitoring site at Booth's Bungalows indicates that the increase in predicted modelled levels at this location will not give rise to levels of particulates that will exceed the annual mean air quality objective.

58. In conclusion, the assessment demonstrates the effect of the proposed link road on air quality will not be significant at existing residential properties.
59. *Environmental Health and Consumer Protection (Contaminated Land)* – No objections are raised. Officers advise a conditional approach in relation to land contamination to secure a phase 2 assessment and mitigation where required.
60. *Environmental Health and Consumer Protection (Pollution Control)* – Advise that the submitted noise assessment has been carried out to appropriate methodologies. The assessment demonstrates that the noise increase associated with the link road is unlikely to be perceptible, being less than 3dB once operational. This is primarily due to the high background (existing) noise levels at West Sherburn from existing traffic using the A181, Damson Way and the A1(M). Therefore, while the proposed development would facilitate an increase in traffic numbers and give the impression of an increase in noise, the actual increase in noise is minimal. As such the impact, when considered against the Planning Practice Guidance Notes (PPGN) Noise exposure hierarchy, is ranked as 'noticeable and not intrusive' and therefore at a 'No Observed Adverse Effect level'.
61. Assessment of vibration from the operational link road has been provided, despite roads not generally being associated with high vibration levels. However, the assessment takes into account the existing vibration level at Damson Way, based upon the view that this is already used by a high number of HGVs. The maximum level VDV (Vibration Dose Value) recorded was 0.040, below the thresholds as stated by BS6472-2 which demonstrates a potential for adverse impact is unlikely to occur until vibration levels are at VDV 0.4-0.8. It is not expected that the increase in traffic is sufficient so as to reach the 10-fold increase required to hit the aforementioned threshold.
62. *Access and Rights of Way* – Raise no objections.
63. *Durham Police* – Raise no objections. An HGV ban to Damson Way would be considered by two factors, these being structural limits to highway infrastructure or environmental restrictions such as forward visibility. There are no structural concerns at Damson Way, but the tight bend currently at Booth's Bungalows limits forward visibility for all traffic. There have been no reported incidents linked to road safety reasons to necessitate a weight limit restriction here in the past. The proposed new junction works would remove this bend, therefore removing the issue of forward visibility in this location.

NON-STATUTORY RESPONSES:

64. *Northumbrian Water* - Raises no objections. Multiple items of infrastructure lie in the vicinity of the proposed works and due consideration should be taken so that these remain unaffected or appropriate works are undertaken.

PUBLIC RESPONSES:

65. The application has been publicised by way of individual notification letters to neighbouring residents, local members and publication upon the weekly list, and in total three representations have been received.

66. One of these representations has been received from a local resident, raising the following issues: -
- Major increase in traffic volumes directly adjacent to residential properties (Noise, Vibration, Litter all increasing),
 - Increased air pollution levels,
 - Increased light pollution from extra street lights and traffic signals,
 - Removal of mature woodland which currently gives excellent noise protection to residential properties from A181 traffic,
 - Increased speed potential at residential properties due to the redirection of road and removal of bend,
 - Severe impact on visual vista from residential properties,
 - Severely impaired vehicular access to rear of Coronation Terrace,
 - Commensurate reduction in property values,
 - No 'Plan B' countermeasure to implement when the proposed junction becomes saturated with Traffic.
 - Proposed alternative options have all been ignored by the Council. Concessions made from the Council include the painting of white lines on the road to control speed (will not work) and the erection of a 2 metre high fence directly adjacent to private property to control noise (hardly considerate in respect to outlook from the dwellings).
67. *Cllrs Eric and Lesley Mavin (Belmont)* - Requested that the application be heard at Planning Committee.
68. *City of Durham Trust* - Trustees wish to object to this application because of the inadequate provision for cycling and walking on the new link road and its junction with Rennys Lane, poor design features of the proposed new junction with the A181, and the absence of any upgraded provision between the two. The new pedestrian footways, toucan crossings, and cycling provision proposed fall short of the design standards mandated in the new County Durham Strategic Cycling and Walking Delivery Plan, and therefore should be redesigned. Creating a link road from the A181 to McIntyre Way without ensuring that the whole route meets appropriate standards for pedestrians and cyclists is not acceptable.

APPLICANTS STATEMENT:

Background to the Proposals

69. The quadrant between Dragon Lane, the A181 and Sunderland Road has seen much development in recent years. Noticeable congestion and journey time delays are experienced across the network, particularly at the signalised junctions on Dragon Lane. The signalised junction of Sunderland Road/Dragon Lane is within an Air Quality Management Area, with air quality levels above EU thresholds.
70. With further development planned in the area, there is a need to find a solution to facilitate this growth without further impeding on the local highway network or worsening the existing air quality issues.
71. The proposed solution would create a continuous link between Renny's Lane and the A181 via a new link road (Renny's Lane to Damson Way) and a new signalised junction (A181 to Damson Way). This would provide an alternative north-south route for traffic to alleviate congestion on Dragon Lane junctions.

72. Various other options were initially considered, but this option has quantifiably shown that it achieves a better balance of traffic levels across the local network. It reduces congestion and reduces air quality below thresholds.

National Cycle Route (NCN) 14

73. It is proposed to divert the existing NCN14 route via a shared use footway from Bent House Lane to the existing NCN14 at Renny's Lane via A181, Damson Way and the new link road. This would provide an off-carriageway option for non-motorised users for the majority of the diversion, which would offer betterment to the current layout on Dragon Lane. The proposed signalised junction will have adequate push-button facilities and crossing phases built into the traffic signal arrangements for users to cross A181 and Damson Way. Advisory on-carriageway cycle lanes are proposed on both the north and south side of Renny's Lane from the link road to the underpass. All relevant road markings, road traffic signs and dropped crossing point will be incorporated into the overall design.

Existing Road Alignment

74. Speed surveys were carried out and it was shown that the 85th percentile of highest speeds observed was above the speed limit on Damson Way. So to address this issue, a road marking and road traffic sign scheme will be introduced on Damson Way to narrow carriageway lanes, to reduce speeds.
75. When introducing a signalised junction for road safety issues, users should be able to achieve forward visibility and oncoming traffic should be able to see the back of the queue. The current road alignment wouldn't achieve this were it to be adapted to a signalised layout.
76. The proposed signalised junction would include detection loops in advance of the stop lines. These work as part of an intelligent system where if queues are detected, the signals will allow more 'green time' to clear queues on that particular leg. The proposed signal phasing is based on traffic modelling which informs the design and ensures that the correct priorities are given to the correct demands, reducing the likelihood of the signals becoming saturated.

The above represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/>

PLANNING CONSIDERATIONS AND ASSESSMENT

77. Section 38(6) of the Planning and Compulsory Purchase Act 2004 sets out that if regard is to be had to the development plan, decisions should be made in accordance with the development plan unless material considerations indicate otherwise. In accordance with advice within the National Planning Policy Framework (NPPF), the policies contained therein are material considerations that should be taken into account in decision-making. Other material considerations include representations received. In this context, it is considered that the main planning issues in this instance relate to: The principle of the development, highway safety and access, residential amenity and pollution, landscape and visual impact and other issues.

Principle of Development

78. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. The NPPF is a material planning consideration. The City of Durham Local Plan (CDLP) remains the statutory development plan and the starting point for determining applications as set out at Paragraph 12 of the NPPF.
79. The CDLP was adopted in 2004, however, NPPF Paragraph 213 advises that Local Plan policies should not be considered out-of-date simply because they were adopted prior to the publication of the NPPF. Notwithstanding this, it is considered that a policy can be out-of-date if it is based upon evidence which is not up-to-date/is time expired depending on the circumstances. Paragraph 213 also sets out that due weight should be given to existing policies, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).
80. This proposal contains two elements, the road scheme and a retail unit. Policies contained within the CDLP cover both types of development and each will be taken in turn below.
81. CDLP Policy S1(A) defines a retail hierarchy of centres within the Durham City area, placing Durham City Centre first, District Centres (including Dragon Lane / Sherburn Road) second and Local Centres third. The approach to defining a retail hierarchy is consistent with the guidance within the NPPF which states a need to define a network and hierarchy of centres that is resilient to anticipated future economic changes (Paragraph 85), the Policy is therefore up to date in this respect and can be given full weight in the planning process. CDLP Policy CC1 identifies that the city centre of Durham be protected or enhanced to ensure its vitality and viability through promoting mixed uses. Policy CC1 states that the “sequential approach” to site selection should be followed in respects to major retail and leisure development. The NPPF similarly requires the sequential approach to be adopted. Development out with the city centre should be subject to the ‘sequential approach’ of major retail development being located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. Policy CC1 is considered largely consistent with the content of the NPPF, though not fully consistent as Policy CC1 explains that the sequential approach will be applied to retail and leisure developments whilst the NPPF requires a broader application. Both the CDLP and NPPF (at paragraph 86) require a sequential test to be undertaken in regards to the development and this is discussed below.
82. The northern application site is allocated under CDLP Policy EMP8 (a) as the site forms part of the wider Dragonville Industrial estate, however the up-to-date evidence base (Employment Land Review, 2019) suggests de-allocation from this employment protection and so results in a reduction in weight to CDLP Policy EMP8 (a) in this instance. This policy is permissive of business (B1), general industrial (B2) and warehousing (B8) uses. The development does not propose a B use development type. However, part of the Dragonville industrial estate allocation which over washes the site is specifically allocated under Policy S8. Under CDLP Policy S8 new retail warehouse development selling certain comparison goods can be considered acceptable subject to a number of criteria including that there is an identified need for the retail warehouse floorspace and that utilising the sequential approach the development cannot be located in a more sequentially preferable location.

83. CDLP Policy S8 is not fully up to date. The policy was based upon an identified need for retail warehouse development contained within evidence which informed the CDLP prior to its adoption. More up to date evidence based work (Retail and Town Centre Study, 2018) no longer identifies such a need and as a result the weight to be attributed to the policy is considered to be reduced and Paragraph 11 of the NPPF is also engaged. In addition, the NPPF does not expressly require that a planning application is accompanied by a demonstration of need.
84. The proposed retail unit would offer a primarily A1 (shop) with ancillary A3 (café/restaurant) usage. It is considered that in terms of the sequential assessment, these have been met by the application. The site is in an out of centre location away from the Sherburn Road / Dragon Lane District Centre, and whilst there are other in centre and edge of centre sites (which are preferable in principle by the NPPF), these have been discounted by the sequential assessment for sound reasons. The submitted sequential test has been assessed by Spatial Policy and regard has been had to key guidance on the correct approaches to the sequential test within the NPPF and PPG including consideration of the requirement to demonstrate flexibility. The retail unit therefore passes the sequential test required by the CDLP and NPPF.
85. CDLP Policy T1 refers to the protection of highway safety and adjoining property amenity from proposed new development. Policy T2 specifically supports new road improvement schemes that facilitate inward investment and economic prosperity and removes traffic from residential areas while having the minimum adverse impact upon the local environment. Policy T4 builds upon both of these policies to require the routing of new roads to avoid severance of communities and again protected residential amenity, the natural environment and provide for alternative modes of transport. Finally, Policy T8 supports the improvement of traffic management measures which seek to improve highway safety, amenity and ease congestion. Detailed consideration of all implications of the proposed road link is discussed in the remainder of this report, however, the principle of the road proposal is considered to draw support from these policies. Each of these transport policies are considered to be consistent with the content of the NPPF.
86. Paragraph 109 of the NPPF highlights that development should only be refused on highway grounds if the residual cumulative impacts upon the highway network are severe. More generally, the NPPF gives significant support to sustainable development, including managing the safety and amenity impacts of traffic together with promoting more sustainable modes of transport. For these elements, the policies in the CDLP above are considered to be consistent with the NPPF and therefore carry weight in the decision making process.
87. In conclusion, as a result of CDLP Policy S8 being considered out of date, assessment of the application is required under Paragraph 11d of the NPPF. which advises that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the proposals or whether there are any policies in the NPPF that protect areas or assets of particular importance which provide a clear reason to refuse the development. Clearly, this assessment can only be considered following an examination of all of the issues within the planning balance.

Highway safety and access

88. CDLP contains various policies, in the form of T1, T2, T4 and T8 which all seek to ensure that development does not prejudice highway safety, reduce congestion and protect amenity. These principles are aligned with advice at paragraphs 108 and 109 of the NPPF which amongst its advice requires that safe and suitable access should be achieved, and development should only be prevented or refused on highways grounds where unacceptable impacts on highway safety would occur or the residual cumulative impacts on the road network would be severe.

89. Paragraph 111 of the NPPF requires applications which proposed significant amounts of traffic movements should be supported by a Transport Assessment (TA) enabling the projected impacts upon the surrounding highway network to be analysed. Concerns have been raised by the local resident and the Parish Council in respect to highway safety impacts and queuing traffic as a result of the proposed relief road.
90. Dragon Lane and surrounding roads north (Sunderland Road) and south (A181, Sherburn Road) have been highlighted by the Highways Authority as already operating above their designed capacities through volume of traffic and it is acknowledged by the modelling undertaken within the TA. The TA models the future distribution of traffic from built and committed development in the immediate area of Dragon Lane and Damson Way both with and without the proposed relief road. The Highway Authority have reviewed the TA and have provided comment on its findings.
91. Without the proposed relief road, junctions in the surrounding area would see increased congestion and longer queues as a result of increased traffic flows in the Dragonville area. The Sunderland Road / Dragon Lane junction would be at capacity within ten years. The A181 Sherburn Road / Dragon Lane traffic lights are already at capacity and would see increased queuing. And the A181 Sherburn Road / Damson Way junction would see extensive queuing without the proposed new junction. Improvements to all of these areas have been modelled to occur as a result of the proposed Rennys Lane / Damson Way link road and the signalisation of the A181 Sherburn Road / Damson Way junction.
92. The Highway Authority consider that the provision of the relief road and junction modifications would accommodate consented development and background growth onto the local highway network without severe impacts upon network operations, which would occur should the proposals not be forthcoming.
93. Both the Belmont Parish Council and a neighbouring resident at Coronation Terrace have raised concerns with regard to the proposed works within the southern application site to signalise and realign Damson Way where it meets the A181 and the subsequent increase in traffic that would flow through this junction past the nearby residential dwellings. The TA indicates that vehicular movements on Damson Way will increase in the next 10 years to a level that is considered to make the current junction design unsuitable to carry the number of vehicles that are predicted, should the link road not be constructed. Therefore, it is reasonable to expect that some form of highway works would be required by the Highway Authority to enable them to maintain healthy traffic flows. Concerns from the neighbouring resident relate primarily to the subsequent impacts of increased traffic flows in terms of noise, vibration and light pollution etc. and these will be addressed in detail later in this report.
94. The Parish Council have suggested that the existing junction arrangement be amended to provide a wider exit from Damson Way to allow for westbound A181 traffic to flow more freely together with a ban on heavy goods vehicles using this southern section of Damson Way. The Highway Authority have considered these views and believe that amending the junction in the manner proposed by the Parish Council would not bring sufficient capacity to the network to cope with the predicted future demand, therefore being unsuitable with regard to highway safety. Introduction of an HGV ban to this section of Damson Way would be considered unworkable by the applicant. During the course of the application, the idea of an HGV ban was discussed with Durham Police and the applicant proposed that a weight limit restriction would be the only logical way to restrict HGV movements over this section of Damson Way. These would only ever be considered on factors of structural ground (i.e. vehicles too heavy for the infrastructure) or visibility grounds.

One of the stated reasons the applicant is seeking to amend the junction layout at this point is due to the visibility problems that occur due to the sharp bend at Booth's Bungalows. The Highway Authority solution is to propose the signalised junction with straightened alignment which would remove this issue, and subsequently Durham Police have raised no objections to the proposals and would not consider a weight limit restriction to be appropriate in this location.

95. Concerns have been raised over vehicular access to Coronation Terrace and to the properties themselves. Rear access to No.2 is immediately adjacent to Damson Way and is taken from the front of the property and the old road alignment. The objection from the resident has arisen due to the proposals which would introduce a roadside footway and erect a 2 metre high acoustic fence adjacent to this rear vehicular access. A minimum of 2.7 metres would remain between the back of the footway and proposed fencing, and the existing kerb alignment to the front of Coronation Terrace, which is considered sufficient by the Highway Authority.
96. The City of Durham Trust has raised a concern over the lack of cycle provision within the new highway designs as originally submitted, with the submitted Transport Assessment making reference to the realignment of the National Cycle Network Route 14 through this part of the city. The applicant has confirmed that this aspect of the proposed link road required additional funding and that this was being sourced at the time of submission of this application. Following a review of the proposals with the applicant, the funding for the diversion of National Cycle Network Route 14 has been secured from an external source and the proposed link road layout has been amended to include the provision of shared surface footpath to accommodate Route 14 and pedestrians together. This would run the length of the development from the new A181 / Damson Way signalised junction, up the existing Damson Way adjacent to Fearch Plast factory and Peter's Bakery, and the new link road section to Renny's Lane. A small section of the shared surface pathway adjacent to the proposed new retain unit and retaining wall would be slightly below the required width of 2.4 metres being only 2 metres, however there are technical construction reasons for this reduction over a short 50 metre distance. This is not considered to be of sufficient determinant to future users as to prejudice highway safety. As a result, the upgraded footway and cycle provision would improve the accessibility of the scheme to more sustainable forms of transport in accordance with CLDP Policies T19 and T20 (both consistent with the NPPF).
97. The proposed retail unit would take vehicular access from the new section of the proposed link road in the northern application site. This would serve a total of 11 parking spaces, of which 2 are disabled bays, and a further 3 on-street parking bays are provided in front of the retail unit. HGV swept path is also included on the proposed site layout for the retail unit showing that safe access to the proposed delivery access on the north elevation of the building can be achieved. The Highway Authority have raised no objections to the design and quantity of vehicle parking and the proposed access. Overall, the proposed retail unit and its associated highway infrastructure would be considered to be in accordance with CDLP Policy T1 (consistent with the NPPF). CDLP Policy T10 is also an applicable policy and advises on parking provision. However, advice within the NPPF advocates a more flexible approach on parking, including and advising against maximum parking standards unless there are compelling reasons for doing so. As a result, very little weight is attributed to Policy T10.
98. In conclusion, and on the basis of highway impacts alone at this stage, the proposals are considered necessary to avoid a severe impact upon highway safety to the network around Gilesgate Moor, Dragonville and West Sherburn, and so would be in accordance with these requirements of CDLP Policies T1, T2, T4 and T8 as well as Paragraph 109 of the NPPF.

Residential Amenity / Pollution

99. CDLP Policy H13 requires new development to protect the amenities of neighbouring occupiers and land users in the vicinity of the development site. CDLP Policy U5 states that planning permission will not be granted for development that may generate pollution that will have an unacceptably adverse impact upon the local environment, the amenity of nearby and adjoining land and property. Both of the policies show consistency with Paragraph 170 of the NPPF whereby new or existing development should be prevented from being adversely affected by unacceptable levels of air and noise pollution amongst others. Therefore, both CDLP Policies are considered consistent with the requirements of the NPPF in this regard. Concerns have been raised in respect to air, light and noise pollution and impacts from increased vibrations.
100. Air quality is a fundamental issue which is increasingly causing residents close to new developments concerns. The NPPF under Paragraph 180 provides protection against new developments causing impacts of pollution upon health and living conditions whilst Paragraph 181 advises more specifically in regards to air quality including that opportunities to improve air quality or mitigate impacts should be identified, such as through traffic and travel management. The application is supported by an Air Quality Assessment which covers the wider Gilesgate Moor, Dragonville and West Sherburn area and the presence of the Air Quality Management Area (AQMA) at the Sunderland Road / Dragon Lane junction. AQMAs are designated in locations where levels of nitrogen dioxide have been at or exceed the air quality objective level, signalling potential impacts upon health levels in the vicinity.
101. The assessment has been reviewed by the Council's Senior Air Quality officer who has confirmed that the methodology and scope of the report is appropriate. The assessment outlines that the proposed link road would have different impacts upon air quality in different locations. Reductions of the greatest factor would be achieved at the Sunderland Road / Dragon Lane junction signifying that the proposals would lead to a benefit to the AQMA.
102. However, the link road and changes to the A181 / Damson Way junction are assessed to lead to a 'negligible or slight increase' in pollution levels at Coronation Terrace. The Council as part of their on-going monitoring of air quality around the city and the AQMA had installed a monitoring station to Booth's Buildings (west of Damson Way) and this has been able to provide a view of the current situation at this location. Together with the highway modelling of traffic flows, these indicate that the increase in predicted traffic flows at this location will not give rise to a level of particulates that will exceed the annual air quality objective. The assessment shows that the increase would not be to a level that would be considered to pose a risk to health over the observed situation at the site.
103. In respect to impacts from increased street lighting upon neighbouring residential properties, these are solely associated with the properties at Booths Bungalows and Coronation Terrace. Currently, the road layout takes traffic in front of Booths Bungalows to A181, and there are existing streetlighting columns in this location. A pre-existing street light is in place to the corner of No.4 Coronation Terrace also. The revised junction would see new lighting installed around the new areas of road proposed, with two new street lights proposed in the proximity of Coronation Terrace, one of which would be a smaller column used by the Highway Authority in residential areas. These standard installation street lighting columns would not be considered to have a resultant adverse impact upon neighbouring residential properties.

104. A noise and vibration assessment has been submitted in support of the application, which considered the existing noise climate and vibration risk from the development on the nearest residential properties (considered the mostly likely to observe impacts of this nature). The Council's Environmental Health and Consumer Protection Team have reviewed the assessment which has focused upon the properties at Booths Bungalows and Coronation Terrace. The report, through field study, highlighted that the immediate area around these properties has a high background noise climate as a result of the existing highway network close by (A181, Damson Way and A1(M)).
105. The modification to the A181 / Damson Way junction (including the loss of the trees and the operation of the link road) would increase noise in the area by 3dB, which is unlikely to be perceptible in the view of the Senior Environmental Health Officer. As such, they consider when this level of change is put against the National Planning Practice Guidance (NPPG) noise exposure hierarchy it is ranked as 'noticeable and not intrusive'. Here, the NPPG states noise can be heard but does not cause any change in behaviour or attitude, where the acoustic character of an area can be slightly affected but not such that there is a perceived change in quality of life. The NPPG therefore states that impacts are at a 'Not Observed Adverse Effect level' and that no specific mitigation measures are required, however the application does propose a 2 metre high acoustic fence as part of the revised road layout to the rear of the instated footway closest to the properties of Coronation Terrace to assist in further reducing any impact upon these properties.
106. Assessment of vibration from the operation link road is also provided within the assessment. The Council's Senior Environmental Health officer acknowledges that it is unusual to consider impacts from vibrations in relation to a road-based scenario such as this proposal, as high vibration levels are not generally associated with roads. The assessment provided has undertaken a field study of the existing vibration levels at Damson Way, particularly as the route is already used by HGVs. The maximum Vibration Dose Value (VDV) recorded was 0.040, this is the value used to quantify vibration impacts by the British Standard 6472-2. That guidance states that a potential for adverse impacts is unlikely to occur until vibration levels are at a VDV of 0.4-0.8. The Senior Environmental Health officer considers that the modelled traffic flows of the operational link road would not be sufficient as to reach a 10-fold increase required to hit the aforementioned threshold.
107. In order to limit the potential disturbance for existing residents during construction, the Environmental Health and Consumer Protection Team recommend that a construction management plan be in place for all parts of the development to deal with construction related impacts. The Environmental Health and Consumer Protection (Air Quality) Team advise in regard to the construction phase of the development that a dust action management plan be secured also. A Construction Management Plan has been submitted as part of this application to cover the link road element of the proposals. Both teams have considered the proposals and confirmed that it would be acceptable for the highway works proposed. A condition requiring a separate plan for the construction of the new retail unit would be required by condition. Subject to the imposition of such a condition, construction related impacts could be adequately mitigated.
108. Overall, the air, noise, light and vibration pollution impacts of the scheme would be considered to not adversely impact upon the nearest neighbouring properties of Booths Bungalows and Coronation Terrace to a degree which would justify refusal of the application. The proposals would therefore be compliant with CDLP Policies H13 and U5 and Paragraphs 170 and 180 of the NPPF.

Landscape and Visual Impact

109. CDLP Policies Q1, Q2, Q4 and Q5 together require safe, inclusive, accessible and good quality, well landscaped developments. Policy E14 requires proposals that affect trees and hedgerows should not result in the loss of ancient woodland, and to retain other areas of woodland or important groups of trees and hedgerows wherever possible. These policies are considered to be consistent with the NPPF. The northern most application site features only small areas of amenity grass land around Damson Way. However, to the southern site a mature copse of trees lies between the residential properties and the A181.
110. The proposed re-alignment of the junction to the position proposed would see the loss of a proportion of the maturing trees from the belt originally planted in the late 1960s, at the last time the highway network was modified in this location with the A1(M) construction. As Landscape officers note, 34 trees are proposed for removal from the woodland belt which is prominent in the landscape when viewed from the south. This would, in the view of the Landscape officer, lead to harm and conflict in part with CDLP Policy E14 and its requirement to retain trees and woodland wherever possible. The loss, therefore, would need to be assessed in the planning balance and whether this loss would significantly and demonstrably outweigh the benefits of the scheme when taken as a whole.
111. The proposed new retail unit would feature a contemporary palette of materials in the form of rendered walls, aluminium cladding coloured grey and modern stonework cladding. These would be generally acceptable in this location, subject to confirmation of final finishing materials by condition.
112. In conclusion, the landscape impact from the loss of trees would not be considered to result in a severe adverse impact upon the character of the area that would significantly or demonstrably outweigh the benefits of the proposed development in the context of Paragraph 11 of the NPPF. The proposed retail building would be considered to be in keeping with the surrounding built development and so would be acceptable. Therefore, the proposals would be considered to accord with CDLP Policies Q1, Q2, Q4 and Q5 and Paragraph 127 of the NPPF.

Other Issues

113. In relation to land contamination, the applicant has submitted a phase 1 desk top study which identifies that there is a low risk of contaminants being present on site and is subject to site investigation works. After reviewing the submitted report, Environment, Health and Consumer Protection (Contaminated Land) Officers advise that the submitted Phase 1 Assessment is acceptable and recommends a conditional approach to further land contamination investigations in accordance with Part 15 of the NPPF and CDLP Policy U11 (consistent with the NPPF).
114. Northumbrian Water furthermore raised no objections to the proposed development, highlighting the presence of drainage and supply infrastructure in the vicinity of the development which the applicant has taken note of prior to submission of the application. The proposed retail unit does not include full engineering details at this stage therefore it would be considered appropriate to condition drainage details to be provided prior to construction of the proposed unit, and therefore adhering to CDLP Policy U8a (consistent with the NPP).

115. The loss of trees discussed in the above section would also lead to a loss of habitat also, and Paragraph 170 requires proposals to minimise impacts on biodiversity. Policy E16 of the CDLP supports protecting and enhancing nature conservation assets, designated or otherwise, and so is consistent with the NPPF as a result. The Council's Ecology Team have, in negotiations with the applicant, secured a contribution of £4,525 to off-set those losses identified above. This financial contribution would be ring fenced and utilised in accordance with the framework identified in Durham County Council's Local Biodiversity Compensation Strategy. The contribution cannot be secured by planning obligation as it would not be possible for the Council to enter into a legal agreement with itself as land owner of the area from which the habitat loss would occur, subsequently the money is to be paid upfront by the applicant. Therefore, the proposed development would achieve a net no overall loss in biodiversity, adhering to CDLP Policy E16 and Paragraph 170 of the NPPF.

CONCLUSION

116. As a consequence of CDLP Policy S8 being out of date with respect to some of the evidence which underpins the policy, consideration would need to be given to the balance set out in paragraph 11(d) of the NPPF. There are no applicable policies within the NPPF that protect areas or assets of particular importance which provide a clear reason to refuse the development. Therefore, paragraph 11d(ii) requires that planning permission should be granted unless any adverse impacts of a proposed development significantly and demonstrably outweigh the benefits when assessed against the Policies of the development plan taken as a whole.

Benefits

- Provision of the link road would better redistribute traffic flows upon the highway network of the area, reducing congestion and avoiding a severe impact upon the highway network. This benefit is considered to be significant.
- Subsequent improvements in air quality at the Sunderland Road / Damson Way junction, located within the AQMA, would help in an area where there are pre-existing air quality issues. This benefit is considered to be significant.

Adverse Impacts

- Slight to negligible increase in pollution, in the form of air and noise pollution, upon the properties of Booths Bungalows and Coronation Terrace from an increase traffic flows at the Damson Way / A181 junction. These impacts would not be considered significant at existing residential properties.
- Loss of trees to facilitate the provision of the signalised junction would have an adverse impact upon the appearance of the area. These impacts would not be considered significant in wider landscape views.

117. Overall, it is acknowledged that the proposal does result in some adverse impacts through loss of trees and increased traffic flows over the current situation. However, these impacts are not considered to be substantial and so would not significantly and demonstrably outweigh the benefits afforded to the AQMA and the wider highway network, and in turn would complement development plan policies and relevant advice within the NPPF in this regard. Accordingly, planning permission should be granted.

118. The proposal has generated some public interest, with a number of letters of objection having been received. The objections and concerns raised have been taken account and addressed within the report.

RECOMMENDATION

That the application is **APPROVED** subject to the completion of an internal transfer of funds to the Council's ecology section to secure the following:

- £4,525 is required to be used towards off-setting biodiversity impacts from the development in accordance with the framework identified in Durham County Council's Local Biodiversity Compensation Strategy.

and subject to the following conditions:

Time Limit

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: Required to be imposed pursuant to Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

Approved Plans

2. The development hereby approved shall be carried out in strict accordance with the following approved plans:

<u>Plan</u>	<u>Drawing No.</u>	<u>Date Received</u>
1381700_DCC_HE_03_01	Engineering Layout Rev A	27/06/2019
1381700_DCC_HE_03_02	Engineering Layout	12/04/2019
1381700_DCC_HE_04_01	Overlay Details	12/04/2019
1381700_DCC_HE_05_01	Drainage layout	12/04/2019
1381700_DCC_HE_08_01	Typical Sections Sheet 1 of 2 Rev A	27/06/2019
1381700_DCC_HE_08_02	Typical Sections Sheet 2 of 2 Rev A	27/06/2019
1381700_DCC_HE_09_01	Cross Sections Main Link sheets 1 of 2 Rev A	27/06/2019
1381700_DCC_HE_09_02	Cross Sections Main Link sheets 2 of 2 Rev A	27/06/2019
1381700_DCC_HE_09_03	Long Sections Rev A	27/06/2019
1381700_DCC_HE_10_01	Cross Sections Damson Way Rev A	27/06/2019
1381700_DCC_HE_12_01	Road Markings Lining Damson Way Rev A	27/06/2019
1381700_DCC_HE_12_01	Road Markings Lining Link Road Rev A	27/06/2019
1381700_DCC_HE_PA_01	Block Plan	12/04/2019
1381700_DCC_HE_PA_02	Location Plan	12/04/2019
1388643_DCC_HE_03_01	Engineering Layout Rev A	27/06/2019
1388643_DCC_HE_04_01	Overlay Details	12/04/2019

1388643_DCC_HE_05_01	Drainage Layout	12/04/2019
1388643_DCC_HE_08_01	Typical Sections Rev A	27/06/2019
1388643_DCC_HE_09_01	Cross Sections A181 Sheet 1 of 2 Rev A	27/06/2019
1388643_DCC_HE_09_02	Cross Sections A181 Sheet 2 of 2 Rev A	27/06/2019
1388643_DCC_HE_09_03	Cross Sections New Link Rev A	27/06/2019
1388643_DCC_HE_09_04	Long Sections	12/04/2019
1388643_DCC_HE_PA_01	Block Plan	12/04/2019
1388643_DCC_HE_PA_02	Location Plan	12/04/2019
1388643_DCC_HE_PA_03	Tree and hedge clearance	12/04/2019
Dragonville Link Road	A181 Road Markings	12/04/2019
Lighting Design	Street Lighting	12/04/2019
Proposed Walls	A181 junction REV B	27/06/2019
909 – 15a	Dragonville – Proposed Walls	12/04/2019
909 – 16	Proposed site plan REV A	27/06/2019
909 – 17	Proposed Plans & Elevations REV A	27/06/2019
909 – 18a	Proposed Visuals REV A	27/06/2019
909 – 19a	Proposed site plan & enclosure (no boundary)	27/06/2019
	DCC Title Plan (Retail Unit)	27/06/2019

Reason: To define the consent and ensure that a satisfactory form of development is obtained in accordance with Policies S1A, S8, EMP8.a, Q1, Q2, Q3, Q4, Q5, T1, T19, CC1, U8a and U11 of the City of Durham Local Plan and the National Planning Policy Framework.

Working Hours

3. No external construction works, works of demolition, deliveries, external running of plant and equipment during the construction of the link road and the retail unit hereby permitted shall take place other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1400 on Saturday.

No internal works audible outside the site boundary shall take place on the site other than between the hours of 0730 to 1800 on Monday to Friday and 0800 to 1700 on Saturday.

No construction works or works of demolition whatsoever, including deliveries, external running of plant and equipment, internal works whether audible or not outside the site boundary, shall take place on Sundays, Public or Bank Holidays.

For the purposes of this condition, construction works are defined as: The carrying out of any building, civil engineering or engineering construction work involving the use of plant and machinery including hand tools.

Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 15 of the National Planning Policy Framework.

Link Road

Contaminated Land

4. Prior to the demolition of the existing garage building, shown as Phase 2 of Plan Ref: TIP/001/CPP/001, a land contamination scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall be compliant with the YALPAG guidance and include a Phase 2 site investigation, which shall include a sampling and analysis plan. If the Phase 2 identifies any unacceptable risks, a Phase 3 remediation strategy shall be produced and where necessary include gas protection measures and method of verification.

Reason: To ensure that the presence of contamination is identified, risk assessed and proposed remediation works are agreed in order to ensure the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.

Contaminated Land (Phase 4)

5. Remediation works shall be carried out in accordance with the approved remediation strategy. The development shall not be brought into use until such time a Phase 4 verification report related to that part of the development has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that the remediation works are fully implemented as agreed and the site is suitable for use, in accordance with Part 15 of the National Planning Policy Framework.

Construction Management Plan

6. All works during the construction period for the proposed link road and signalised junction shall be carried out in accordance with the "Construction Management Plan, Dragonville Link Road & A181 Signalised Junction, Ref: 1381700-CMP-01 Rev B" dated 14th June 2019.

Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 15 of the National Planning Policy Framework.

Tree Protection

7. Prior to the construction of the signalised junction at A181 / Damson Way all retained trees, as indicated by plan ref: "1388643-DCC-HE-PA-03 REV 0/-" shall be protected by the erection of fencing and comprising a vertical and horizontal framework of scaffolding, well braced to resist impacts, and supporting temporary welded mesh fencing panels or similar in accordance with BS 5837:2012. Protection measures shall remain in place until the cessation of the development works in this area.

Reason: In the interests of the visual amenity of the area having regards to Policy E14 of the City of Durham Local Plan and Parts 12 and 15 of the NPPF. Required to be pre-commencement as landscape features must be protected prior to works, vehicles and plant utilising land nearby.

New Retail Unit

Building Uses

8. The retail floorspace hereby approved, excluding the A3 café floorspace, shall be used for the sale of furniture and floor coverings, DIY goods, house and garden equipment, garden centre products, bulky alcohol products, bulky kitchen and bathroom products, pet and equine products, electrical goods, bike sales and repair, camping and climbing equipment only and for no other purpose.

Reason: To safeguard the vitality and viability of town centres in accordance with policies S1A and S8 of the City of Durham Local Plan 2004.

Building Floor space

9. The Class A1 retail floor space hereby permitted shall not exceed 360 square metres gross, of which no more than 60 square metres gross shall be utilised for ancillary Class A3 (café) floor space.

Reason: To safeguard the vitality and viability of town centres in accordance with policies S1A and S8 of the City of Durham Local Plan 2004.

Construction Management Plan

10. Prior to the commencement of any works of demolition, remediation or construction of the retail unit hereby permitted, a Construction Management Plan shall be submitted to and approved in writing by the local planning authority.

1. A Dust Action Plan including measures to control the emission of dust and dirt during construction;
2. Details of methods and means of noise reduction;
3. Where construction involves penetrative piling, details of methods for piling of foundations including measures to suppress any associated noise and vibration. The use of vibrating rollers during construction of roads and piling mats should also be included in these details;
4. Details of measures to prevent mud and other such material migrating onto the highway from construction vehicles;
5. Designation, layout and design of construction access and egress points;
6. Details for the provision of directional signage (on and off site);
7. Details of contractor compounds, materials storage and other storage arrangements, including cranes and plant, equipment and related temporary infrastructure;
8. Details of provision for all site operatives for the loading and unloading of plant, machinery and materials;
9. Details of provision for all site operatives, including visitors and construction vehicles for parking and turning within the site during the construction period;
10. Routing agreements for construction traffic.
11. Details of the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
12. Waste audit and scheme for waste minimisation and recycling/disposing of waste resulting from demolition and construction works;
13. Detail of measures for liaison with the local community and procedures to deal with any complaints received.

The management strategy shall have regard to BS 5228 "Noise and Vibration Control on Construction and Open Sites" during the planning and implementation of site activities and operations.

The approved Construction Management Plan shall also be adhered to throughout the construction period and the approved measures shall be retained for the duration of the construction works.

Reason: To protect the residential amenity of existing and future residents from the development to comply with Part 15 of the National Planning Policy Framework. This is required as a pre commencement condition in order to mitigate potential impact on residential amenity which needs to be considered before site works commence.

Drainage

11. Prior to the construction of the retail unit hereby approved a detailed scheme for the provision of foul and surface water drainage shall be submitted to and approved in writing by the Local Planning Authority. The scheme for surface water drainage shall include details of the management and maintenance regime for those drainage systems. The drainage scheme shall be completed in accordance with the details agreed.

Reason: In the interests of the adequate disposal of foul and surface water in accordance with Parts 14 and 15 of the NPPF. This is required as a pre commencement condition to ensure that the proposed development provides adequate levels of drainage which needs to be considered before site works commence.

Materials

12. Prior to the construction of the retail unit hereby permitted, final details of the proposed external finishing materials of the permitted building shall be submitted to and agreed in writing by the local planning authority.

Reason: To ensure that the appearance of the proposed new building is sympathetic to its surrounding in accordance with Policies Q1 and Q2 of the City of Durham Local Plan and Part 12 of the NPPF.

STATEMENT OF PROACTIVE ENGAGEMENT

The Local Planning Authority in arriving at its decision to support this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. (*Statement in accordance with Article 35(2) (CC) of the Town and Country Planning (Development Management Procedure) (England) Order 2015.*)

BACKGROUND PAPERS

- Submitted application form, plans supporting documents and subsequent information provided by the applicant.
- The National Planning Policy Framework (2019)
- National Planning Practice Guidance notes.
- City of Durham Local Plan
- Retail & Town Centre Study (2018)
- Statutory, internal and public consultation responses



Planning Services

DM/19/01234/FPA

Demolition of former garage and construction of link road (between Renny's Lane and Damson Way). Construction of new retail unit (Use Class A1 with ancillary A3) and construction of signalised junction (A181 Sherburn Road and Damson Way).

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Comments

Date 9 July 2019

Scale Not to scale